



REGULAR MEETING OF THE GREENBELT CITY COUNCIL held March 14, 2005.

Mayor Davis called the meeting to order at 8:00 p.m.

ROLL CALL was answered by Councilmembers Konrad E. Herling, Leta M. Mach, Edward V.J. Putens, Rodney M. Roberts, and Mayor Judith F. Davis.

ALSO PRESENT were Michael P. McLaughlin, City Manager; John F. Shay, Jr., and Robert A. Manzi, City Solicitors; David E. Moran, Assistant City Manager; and Kathleen Gallagher, City Clerk.

Mayor Davis asked for a moment of silence in honor of resident Milton Mortman and former residents Mary Elizabeth Cunningham and David Hissey. The Mayor then led the pledge of allegiance to the flag.

CONSENT AGENDA: Ms. Mach asked to remove the minutes of the March 3, 2005, work session from the consent agenda. It was moved by Mr. Putens and seconded by Ms. Mach that the consent agenda be approved as amended. The motion passed 5-0.

Council thereby took the following actions:

MINUTES OF COUNCIL MEETINGS

- Regular Meeting, February 28, 2005
- Interview, March 7, 2005
- Legislative Dinner, March 9, 2005

Approved as presented.

AWARD OF BID – FRONT-CUT MOWER: The Council approved awarding the bid to Backyard Power, Inc., of Woodbine, Maryland, at a cost of \$16,300.

APPLICATION TO MERCHANTS REVOLVING LOAN FUND: The Council approved awarding a loan of \$7,500 from the Roosevelt Center Merchant Revolving Loan Fund to Pleasant Touch, with the condition that the loan funds will not be disbursed until Pleasant Touch receives all required City permits and enters into an indemnity agreement with the City, once that document is completed by the City Solicitor.

REQUEST FOR USE OF FACILITIES: Council approved waving the facility fees for the Eleanor Roosevelt High School Grad Night Committee for May 31, 2005.

RESIGNATION FROM TASK FORCE: Council accepted the resignation of Andrew Mangum from the Forest Preserve Task Force.

APPOINTMENT/REAPPOINTMENTS TO ADVISORY GROUPS: Council appointed Michelle Burke-Storer to the Public Safety Advisory Committee. Council also reappointed Dorrie Bates and Raymond Peterson to the Board of Appeals and the Advisory Committee on Education, respectively.

APPROVAL OF AGENDA: It was moved by Mr. Herling and seconded by Mr. Putens that the agenda be approved as presented. The motion carried 5-0.

PRESENTATIONS

ACE Educator Awards Ceremony: Mayor Davis introduced Eva Griffin, chair of the Advisory Committee on Education (ACE). The Mayor noted that County Councilmember Douglas Peters was present and that Delegates Anne Healey, Tawanna Gaines, and Justin Ross, who were unable to come because of the legislative session, were represented by Brad Frome, legislative aide to Delegate Ross. Dr. Griffin introduced the ACE members in attendance: La Shelle Ferguson, Sudhanshu Sinha, Raymond Peterson, Alla Lake, Jeff Morissette, and Kathy Lewis, and Laretta Baugh. She also acknowledged staff liaison Wendy Wexler and Council liaison Leta Mach. Dr. Griffin gave a brief overview of the programs supported by ACE and described the awards to be presented to the ACE Educators. In addition to the individuals who had been recognized by the Mayor, she also introduced Abby Crowley and Robert Duncan of the Prince George's County School Board.

Dr. Griffin presented awards to the following people, whose families and co-workers were also acknowledged:

Greenbelt Elementary School Barbara Packer, First Grade Teacher

Springhill Lake Elementary School Bonita Gregory, Technology Teacher/Coordinator

Magnolia Elementary School Phyllis Gillens, Principal

St. Hugh=s School Linda Wilson, School Counselor

Greenbelt Middle School Paulette Duncan, Language Arts Chairperson

Eleanor Roosevelt High School Allison Galloway, Biology Teacher/Bio Team Chair

Mayor Davis thanked the teachers and ACE members for their participation and ongoing work.

County Councilmember Douglas J.J. Peters – Funding for City Programs: County Councilmember Peters announced Special Appropriations Grants he had been able to provide in this year's county budget for a number of City programs and projects, including Greenbelt CARES, the Old Greenbelt Theatre, the Department of Recreation, and the Advisory Committee on Education. Other Greenbelt groups included the Friends

of the Greenbelt Museum, the Greenbelt Arts Center, the Greenbelt Association for the Visual Arts, the Springhill Lake Girl Scout Troop, the Friends of New Deal Café Arts, the Greenbelt Astronomy Club, the Greenbelt Boys and Girls Club, and the Greenbelt Volunteer Fire Department & Rescue Squad. Many of the groups had representatives in attendance who expressed gratitude to Mr. Peters. In addition, Mr. Peters announced that he had been successful in identifying \$200,000 that could be used by the City for its skateboard park.

PETITIONS AND REQUESTS: None.

MINUTES OF COUNCIL MEETINGS: Ms. Mach corrected the minutes of the work session of March 3, 2005, to show that she had been present at the meeting. She then moved approval of this set of minutes with that correction. With a second from Mr. Putens, the motion passed 5-0.

ADMINISTRATIVE REPORTS

Mr. McLaughlin commented on several pieces of information that had been distributed to Council, including announcement of the county's 2005 Beautification Awards program and an announcement from the Police Department regarding enhanced "sobriety enforcement" on the roadways on St. Patrick's Day.

Mayor Davis, Mr. Putens, and Ms. Mach reported on their attendance at the National League of Cities Congressional City Conference in Washington, D.C.

Mayor Davis reported on her attendance at an all-day meeting on the status of Community Development Block Grant (CDBG) funding on March 4. She said she and Mr. Roberts had attended the anniversary event at Mishkan Torah on March 5. She noted that the City's legislative dinner had been held in Annapolis on March 9. She and Ms. Mach attended the county's Women's History Month luncheon at Martins Crosswinds. She also attended a reception for the new Green Ridge House service coordinator and Public Works' retirement luncheon for Carmen Davino. On March 12, Councilmembers all attended the 50th anniversary of the Greenbelt Volunteer Fire Department and Rescue Squad.

LEGISLATION: None.

EARLY OR EXPANDED VOTING: Mayor Davis read the agenda comments. Judith Ott, chair of the Board of Elections, and board member Dorothy Lauber were present. The Mayor noted that although the board's report referenced the fact that the Greenbelt News Review was not able to reach all households, the candidates themselves do mailings to all voters, as well as hand distribution of literature, so that no one method of communication is relied upon to reach everyone. She then said she first wanted to thank the board for the care and detail of its report, which identified issues that had not occurred to her before. Ms. Mach agreed that the report was well done and gave Council many things to think about. She said she thought the board's opinion on not creating disparities among precincts was "on the mark." She said she agreed that mail voting might be the most cost-effective way to allow people to vote early. She said she did not agree with the board's suggestion that more signs would help, since the

substantial added cost of the campaign signs one would need to be competitive would discourage people from running for office.

Mr. Herling asked which of the alternatives, if any, the board was proposing for this year. Ms. Ott said voting by mail would be the primary way to try to increase voting.

Following some discussion of the current criteria for absentee voting, Mayor Davis said there might be cause for concern that there would be an overwhelming response. Ms. Ott said she would not anticipate an overwhelming response at the first election it was tried but that, if there were a good response, a groundwork would need to be prepared for the following election. She added that, as is currently the case with absentee ballots, enough of them would inevitably come in early that there would be forewarning if additional clerks or hours would be required.

Regarding campaign signs, the Mayor said this was an informal agreement among the candidates that could be further discussed. Regarding the 300' distance for electioneering, she said this requirement had been adopted because of citizen complaints about being confronted in an aggressive fashion by campaign workers at the polls when they already knew for whom they were going to vote. She said she understood the other side of the argument was that the signs, noise, and activity generated by the poll workers did attract attention to the election.

Keith Chernikoff, 210 Lastner Lane, said he spoke from the unusual perspective of having, at different times, run for City Council, served as an election judge, and served on the City's Board of Elections. He said that while it may not have been Council's intent to lessen the visibility of elections by establishing the 300' law, he believed that in fact it has a negative impact on the perception that an election is going on, as well as on the vitality of the process itself. He said he thought turnout would be helped by changing the distance to 200 or even 150 feet, which would still provide a reasonable buffer. He said he hoped Council would look favorably upon making a change. With regard to mail voting, he said Oregon and Washington were getting considerably increased participation.

Doug Love, 3-D Plateau Place, applauded the board for recommending that the City move toward a paper ballot. He spoke of his concerns with other voting methods.

Mr. Roberts said he thought the problem had been that there had never been adequate enforcement of the 100' limitation on electioneering. He said he had voted against the change when it was made and would definitely be willing to vote to change it now. He said it effectively eliminated having people working at the polls, which makes it difficult to tell that there is an election going on.

Mayor Davis asked if Council wanted to take action on the mail voting issue but further discuss the 300' law. Mr. Putens reiterated that the change to 300' had been made because of citizen complaints, not because Council or candidates preferred it that way. He said he liked the idea of expanding the absentee voting and would like to try that. Returning to the distance issue, Mr. Roberts said that ultimately it was up to the candidates to control the behavior of their poll workers; if a candidate's poll workers behaved irresponsibly, the voters could take that into account. He said he would prefer to have a work session on all these issues.

In response to a question from Ms. Mach on the adequacy of the City's signage publicizing the election, Ms. Ott said she thought more signs were needed.

It was agreed the board would work on developing a plan for implementing an expansion of absentee voting and that a work session would be scheduled on all these issues in June.

GREENBELT STATION - DRAFT DEVELOPMENT AGREEMENT - METROLAND DEVELOPERS, LLC: Mayor Davis read the agenda comments and added that the agreement was placed on the agenda of tonight's meeting only for purposes of discussion but that it was hoped that a final agreement would be on the agenda of the March 28 meeting for approval.

Celia Craze, Director, Planning and Community Development, spoke briefly to say that while the agreement that was almost reached a year ago between the City and the developers would have settled a law suit, the draft agreement on tonight's agenda was conceived as a development agreement. She said its purpose was not to circumvent or limit anyone's right to due process but, rather, to set parameters. She enumerated some of the benefits to the City of the agreement, including guaranteeing the City's option to annex the entire south core, as well as acquiring significant developer contributions for public safety, recreation, streetscape improvements, and open space. She added that most of the decisions remained to be made but the agreement would shape the form the development and process would take.

Mayor Davis remarked that the City already owns the north core and wants to annex the south core, but it is the area between the two that is environmentally sensitive. Ms. Craze responded that by annexing the south core, the City would gain control of the connector road and could work to minimize environmental impacts. The Mayor asked if the developer had agreed to all 49 points in the draft agreement. Ms. Craze said the developer was present to speak to that.

Mr. Roberts expressed dismay that, although a \$3.5 million contribution to recreation was being mentioned, there was no contiguous area for active recreation or for a ball field. He said Greenbelt West is already deficient in that type of recreational amenity and that he could not support an agreement that would serve to increase the deficit.

The Mayor asked Mr. Manzi about covenant items, since there appeared to be only two in the draft agreement. He said there were still many specifics to be added, as well as formatting; for example, the draft agreement does not reflect the fact that WMATA will have to sign it.

Mr. Herling commented that he still wanted to see a strong link of transportation throughout the City, not just in Greenbelt West. Ms. Craze responded that there are many transportation components to the agreement, including a pedestrian connection between Springhill Lake and the north core, light rail to connect the north and south cores, and other items to be addressed in the Detailed Site Plan. She said it was not feasible to talk about a City-wide plan as part of this project; rather, the idea was to have pieces completed that would complement one another. She said the goal was to have commitment on those things that are within the project area. For items outside

that area or that obligate other parties, all the City can do is bind the developer to further participation and discussion.

Norman Rivera, representing the developer, thanked City staff and particularly Ms. Craze and Sandi Gallagher of Metropark for their significant work in negotiating the agreement. He said in answer to the Mayor's earlier question, "We do agree to all the 49 points," adding that there might be a larger number by the time the agreement was finalized. He said they were eager to go forward with the agreement and "would sign it tonight if we could." He said that Mr. Colton was here tonight to address his commitment to the agreement.

Daniel Colton introduced himself, saying he represented Greenbelt Metropark and Metroland, the developers of the project. He said as a result of all the work that had taken place over the last 14 weeks, he felt that they were becoming partners with the City of Greenbelt in the project. He said his partner, Mr. Smith, is also enthused about the agreement and will attend the next meeting. He confirmed their concurrence with all 49 items and said they are ready to move forward. He agreed with Mr. Manzi and Mr. Rivera that there is some "in-fill" to do behind some of the items but said there was an "excellent framework." Regarding Mr. Roberts' concern, he said they had walked the "stream valley" with City staff and thought this would be a special feature that would in a smaller way suggest some of the features of Rock Creek Park.

Mayor Davis said she would like to add to the thanks, particularly to Ms. Craze, Mr. Manzi, and Ms. Gallagher.

Mr. Roberts said item 13 of the agreement addressed the 30 acres near the stream channel, which he agreed is a beautiful area, but he said it still did not provide a specific amount of land large enough for active recreation. He said he wanted something firm in this agreement about that. Mr. Colton said they had made a serious effort to designate such an area but had been unable to do so. He said the document said the developers and the City would go back to the state to see if they will relinquish additional land that could be combined with other land Metropark has above the 35 acres that are committed to the state. He said that even so, it would not be large enough to be a ball field. Mr. Roberts replied that if it was not a ball field, it was not what he was looking for. Mayor Davis commented that they all had particular things they had hoped to find in the project and could make suggestions for improvement, but that compromise was needed, and this was a far better plan than existed before.

Mr. Putens agreed, saying this was historic for the City and the other participants and that the language of this agreement gives great flexibility that he thought everyone could work with to create the facilities, recreation, and transportation that the residents would need. Mr. Colton agreed, saying it was a living document that would allow for growth.

Ms. Mach remarked that although it had been disappointing to have the agreement fall through last year, in retrospect that may have been a good thing, since this agreement was much better. She said she considered the design approval to be key. She said she found the idea of the park land around the stream valley trail to be very attractive and appropriate for Greenbelt. In response to her request, Mr. Colton elaborated further on that part of the plan. Mr. Roberts said part of the property Mr. Colton was referring to

clearing was supposed to be set aside for wetland mitigation. Mr. Colton said that was not the area he was referring to.

Mr. Manzi said that, in order to get it on the record, he wanted to confirm that Mr. Colton had said he had no problem with this agreement and would sign it tonight if it were properly formatted. Mr. Colton said, "Yes." Mr. Manzi further asked for confirmation that Mr. Colton had the power to bind the owners of the property, to which Mr. Colton also responded, "Yes." Mr. Manzi added that one thing he wanted to add to the agreement was that the City and the developer would go together to Park and Planning to have as many of these items put in as conditions at the Park and Planning level as possible. Mr. Colton said he had no objection to doing so.

Larry Taub spoke on behalf of Quantum Company and Beltway Plaza. He said from the beginning, the concept for the retail development had centered on upscale, and that concept has never changed. He said there has never been a proper market study to meet the requirement in the legislation to justify the need for such development. He said if the county agrees to the developer's pending request to reconsider the previous site plan and design, the project would go forward on the basis of the previous flawed market study. He said these were issues that could not be taken care of by site plans or site plan approval that would occur later. Mr. Manzi said at this point the issue is between the two commercial developers; nevertheless, the plan will have to abide by CBs 35 and 47, or neither the City nor the county will accept it. He said the City would have the opportunity to respond at that stage. Mr. Taub said there is a provision in the legislation that the market survey is required for the Conceptual Site Plan, not just the Detailed Site Plan. Mr. Putens said that the legislation did call for upscale and for a market study but that the City could not negotiate those issues as part of this agreement. He said the legislation would stand on its own and that he wanted to see the existing agreement move forward. Mayor Davis added that this was not to say that the City was not aware of Beltway Plaza's concerns. Mr. Roberts disagreed, saying he thought the City should work with Quantum on this, since the requirement is part of the legislation.

Mr. Herling asked for clarification on the City's responsibility in this area. Mr. Manzi said technically there was none. He said there had been a conference of interest between the City and Beltway Plaza, and they had worked together successfully in challenging the county approval of the plans. He said the agreement that had been proposed last year did not reference the commercial properties either. He said there was no reference in the agreement to the upscale requirement for the commercial properties because that is covered in the legislation. Nonetheless, he said Mr. Taub is correct that the study is more than four years old and did appear to be based on a mall design.

Mr. Colton said this issue did not need to be discussed here and that Beltway Plaza's calling for the market study was merely a "smokescreen" for their goal of limiting the inclusion of businesses such as movies and supermarkets. Mr. Taub objected to the characterization of their position as a smokescreen, saying that what they wanted was the assurance the legislation intended to address.

Two other individuals spoke in favor of going forward with the agreement, including a former resident of Springhill Lake who thought the development would provide

economic development and jobs. Darren Swain, a Lanham resident, stressed the fact that this development would have impact beyond Greenbelt.

Mr. Manzi asked for clarification on what approach the City should take to the hearing on the request to reconsider the original plans. He said since the staff of Park and Planning has recommended reconsideration, that will probably prevail. After some discussion, Ms. Mach made a motion, with a second from Mr. Herling, that Council direct Mr. Manzi to appear, indicate that there is a tentative agreement, and make the City a party of record. Mr. Roberts disagreed, saying the City should argue against reconsideration. The motion passed 4-1 (Roberts).

PARTICIPATION IN THE BALTIMORE/WASHINGTON CORRIDOR CHAMBER OF COMMERCE COOPERATIVE ELECTRICITY PROGRAM: The Mayor read the agenda comments. She added that she wanted to be sure it was clear that it was electricity for City government that would be purchased through this program, not residences. She asked Mr. Moran if the \$3,000 consulting fee was a one-time item. He said he assumed it would be necessary to pay that fee whenever the contract was awarded.

Ms. Mach asked if organizations such as condominiums, housing cooperatives, apartment complexes, and homeowners' associations would be eligible to apply on behalf of their residents as a group. Mr. Moran said he thought homeowners' associations were not likely but the others might be. The Mayor suggested that it might be more likely that these groups would be eligible if they did not have individual electric accounts.

Mr. McLaughlin pointed out that homeowners have been able to join groups all along. Sheldon Goldberg, 7848 Jacobs Drive, spoke to say that in practical terms, however, it was necessary to have a major group with infrastructure.

Mr. Roberts asked how much the City would anticipate saving. Mr. Moran replied that there was no way to predict that, but this group was able to lock in a three-year rate previously, and this was the primary appeal. He said there would be only a very brief opportunity to act on the package when it was offered and that staff would recommend that a resolution be adopted at the next meeting to authorize the City Manager to take action. Mr. Roberts then made a motion that the City Council authorize staff to proceed with the steps necessary to lay the groundwork for the City's participation in the Baltimore/Washington Corridor Chamber of Commerce electricity purchase cooperative, pending a resolution to be introduced for adoption at the next regular Council meeting. Ms. Mach seconded the motion, which passed 5-0.

MEETINGS: Council reviewed the schedule of upcoming meetings. The Mayor suggested scheduling executive sessions for the City Manager's evaluation on April 13 and May 25. Work sessions with the Board of Elections and the Public Safety Advisory Committee will be scheduled during June. Ms. Mach said she would be out of town at the time of the adoption of the budget.

ADJOURNMENT: A motion to adjourn was made by Ms. Mach and seconded by Mr. Herling. The motion carried 5-0. The Mayor adjourned the regular meeting of March 14, 2005, at 11:35 p.m.

Respectfully submitted,

Kathleen Gallagher

City Clerk

"I hereby certify that the above and foregoing is a true and correct report of the regular meeting of the City Council of Greenbelt, Maryland, held March 14, 2005.@"

Judith F. Davis

Mayor